

REMARKS

Applicant has not amended any of the claims. Claims 1 – 6 and 8 – 20 are pending in the application. Reconsideration of the claims is respectfully requested in light of the remarks below.

Allowed Claims

Applicants would like to thank the examiner for indicating that claims 11 – 16 and 18 – 20 are allowable.

Claim Rejections – 35 USC §103(a)

The Examiner has rejected claims 1-3, 5, 9-10 and 17 under 35 USC §103(a) as being unpatentable over Minutoli et al (US Patent 3,782,061) in view of the disclosure of a device invented by Alfred D. Commins and identified by Applicant as, "Automatic Take-Up Device by Alfred D. Commins, Dated: December 20, 1995" and submitted to the US Patent Office by Applicant on August 12, 2004 by Express Mail with Express Mail Label Number EV 459515913.

The Examiner argues that Minutoli et al supplies all of the elements found in the above-identified claims, except a torsion spring connecting "first and second bearing members". The Examiner argues that Commins teaches a torsion spring connecting first and second bearing members and that it would be obvious "to modify Minutoli et al's structure to show a torsion spring connecting the first and second bearing members". The Examiner also argues that it would be obvious to dispose the spring within the sleeve. The Examiner argues that the motivation to provide Minutoli et al with a spring between the bearing members is provided by Commins, and that having the spring "would put the bearing members in compression and thus enhances the tightness of the assembly".

Applicant must respectfully disagree. Applicant feels that the Examiner has failed to make a prima facie case of obviousness. Applicant feels the Examiner has improperly combined the references, since the combination is not suggested by the references themselves, nor would the Examiner's combination be obvious to one of ordinary skill in the art. Furthermore, the combination suggested by the Examiner does not meet the limitations of the claim 1 and its dependent claims.

There is no suggestion to modify Minutoli et al as suggested by the Examiner. In fact, the modification to Minutoli et al suggested by the Examiner is undesirable.

Applicant notes that sleeve 42 of Minutoli et al is to be anchored in second panel 16, and in fact, can be attached to other sleeve members 42 embedded in the panel. See Minutoli et al at column 3, lines 36 through 45. As such if the

bearing members or bushings 48 and 50 provided in the sleeve 42 of Minutoli et al were provided with an internal torsion spring that worked to force the bearing members apart, movement of the bearing members out of the sleeve would push the sleeve 42 and the second panel 16 with it away from the first panels 12 and 14, causing an uncontrolled and therefore undesirable separation of the panels 12, 14 and 16.

In Minutoli et al, the bearing members 48 and 50 are provided to "guide each pair of first panels into proper positional relationship to the corresponding second panel" and to guide the reinforcing rod from one first panel, through the adjacent second panel and into the next adjacent first panel." Minutoli et al at Column 3 at line 57. The reinforcing rod is meant slip past and not interact with the bearing members or bushings 48 and 50. See Minutoli et al at Column 4, line 12.

Putting a torsion spring between the bearing members or bushings 48 and 50 to drive one or both away from each other would be antithetical to the teachings of Minutoli et al. Minutoli et al provides his particular arrangement of parts to provide "a uniform prestressing of the various first and second panels..." Minutoli et al at Column 4, line 35. This uniform prestressing could not be achieved, if torsional springs were introduced into system taught by Minutoli et al as suggested by the Examiner. As such, one of ordinary skill in the art would not consider modifying Minutoli et al in the manner suggested by the Examiner.

Applicant agrees with the Examiner that Commins does teach placing a torsion spring between a locking nut and a flange nut to drive the flange nut from the locking nut automatically. However, in Commins the flange nut is driven on a threaded rod received within the flange nut as well as the locking nut. Commins does not provide a sleeve on which the locking nut and flange nut turn. Commins teaches that the flange nut and the locking nut should be mounted on the threaded rod. In comparison, the rod in Minutoli et al is formed so as to be able to slip past the bearing members or bushings 48 and 50. To combine the teachings of Commins to mount the bushings 48 and 50 on the rod would be to fundamentally change Minutoli et al and not meet the limitations of claim 1.

The Examiner also argues that it would be obvious to dispose the spring within the sleeve. However, Commins does not teach the use of a sleeve, and therefore does not teach disposing a spring within a sleeve, and as Applicant has shown above, it is antithetical to the teachings of Minutoli et al to put a spring within the sleeve of Minutoli. Since the Examiner, in fact, has not provided any motivation for providing a spring within the sleeve of Minutoli et al, except, perhaps Applicant's own teachings, Applicant believes the Examiner has failed to show that this limitation of claim 1 is rendered obvious.

Applicant respectfully requests that claim 1 be allowed for the reasons stated above. Applicant also respectfully requests that claims 2-3, 5, 9-10 and 17 be allowed for the reasons stated above, as they depend from claim 1, incorporating all of its limitations.

Furthermore, with respect to claim 3 and the opposite threading of the sleeve with respect to the fastening member, Applicant respectfully requests the Examiner to show where in Minutoli et al such arrangement of parts is taught or remove the rejection.

With respect to claim 17, the Examiner stated that "Minutoli et al as modified shows the spring connecting to the bearing members near the outer axial ends of the members." Applicant respectfully requests clarification of this statement and respectfully disagrees. No such connection of torsion spring to bearing members is shown in Minutoli et al.

The Examiner has rejected claim 4 under 35 USC §103(a) as being unpatentable over Minutoli et al in view of Commins and figure 19 on page 318 of Greenwood.

Applicant respectfully requests that claim 4 be allowed for the reasons stated above, as it depends from claim 1, incorporating all of its limitations.

The Examiner has rejected claim 5 under 35 USC §103(a) as being unpatentable over Minutoli et al in view of Commins.

The Examiner appears to argue that the anchors of Minutoli et al which are embedded in the panels and attached to the anchor plates and described at Column 3, line 8 and appear to be numbered 28 correspond to the releasable locking clip of claim 5.

Applicant notes that since the anchors are embedded in the panels, to release the anchors from the sleeve 42 and the bearing members 48 and 50, a user would have to disassemble the first panels from the second panels, such that the limitations of claim 1 would no longer be met.

As such, Applicant believes all of the limitations of the claim are not met, and respectfully requests removal of the rejection.

In addition, Applicant respectfully requests that claim 5 be allowed for the reasons stated above with respect to claim 1, as claim 5 depends from claim 1, incorporating all of its limitations.

The Examiner has rejected claim 6 under 35 USC §103(a) as being unpatentable over Minutoli et al in view of Commins and Fuehrer, US Patent 3,118,681.

Applicant respectfully requests that claim 6 be allowed for the reasons stated above with respect to claim 1, as claim 6 depends from claim 1, incorporating all of its limitations.

The Examiner has rejected claim 8 under 35 USC §103(a) as being unpatentable over Minutoli et al in view of Commins and figure 1 on page 316 of Greenwood.

Applicant respectfully requests that claim 8 be allowed for the reasons stated above with respect to claim 1, as claim 8 depends from claim 1, incorporating all of its limitations.

Conclusion

In view of the above, Applicants submit that the claims remaining in the application are in condition for allowance and allowance of the claims at an early date is solicited.

Please direct any calls in connection with this application to the undersigned at (510) 832-4111.

Respectfully submitted,

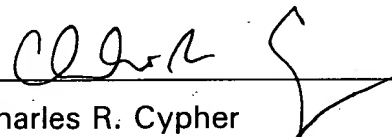
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